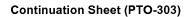
## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/044,185	KRAMER ET AL.	
Examiner	Art Unit	

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The MAILING DATE of this communication appe	ears on the cover sheet with the	correspondence address
THE REPLY FILED 13 October 2009 FAILS TO PLACE THIS A	APPLICATION IN CONDITION FO	R ALLOWANCE.
1.  The reply was filed after a final rejection, but prior to or on application, applicant must timely file one of the following application in condition for allowance; (2) a Notice of Application (RCE) in compliance with 37 (apprint of the periods:	replies: (1) an amendment, affidavi eal (with appeal fee) in compliance	it, or other evidence, which places the with 37 CFR 41.31; or (3) a Request
a) The period for reply expiresmonths from the mailing	g date of the final rejection.	
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire I Examiner Note: If box 1 is checked, check either box (a) or	ater than SIX MONTHS from the mailing (b). ONLY CHECK BOX (b) WHEN THE	g date of the final rejection.
MONTHS OF THE FINAL REJECTION. See MPEP 706.07 (Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of ex under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office later may reduce any earned patent term adjustment. See 37 CFR 1.704(b) NOTICE OF APPEAL	on which the petition under 37 CFR 1.1 tension and the corresponding amount shortened statutory period for reply origing than three months after the mailing data.	of the fee. The appropriate extension fee inally set in the final Office action; or (2) as
2. ☐ The Notice of Appeal was filed on A brief in comp	pliance with 37 CFR 41.37 must be	filed within two months of the date of
filing the Notice of Appeal (37 CFR 41.37(a)), or any exte Notice of Appeal has been filed, any reply must be filed w AMENDMENTS	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of the appeal. Since a
<ol> <li>The proposed amendment(s) filed after a final rejection,</li> <li>(a) They raise new issues that would require further co</li> <li>(b) They raise the issue of new matter (see NOTE below</li> </ol>	nsideration and/or search (see NO	
(c) They are not deemed to place the application in being appeal; and/or	tter form for appeal by materially re	
(d) ☐ They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).		ected ciaims.
4. The amendments are not in compliance with 37 CFR 1.1	21. See attached Notice of Non-Co	mpliant Amendment (PTOL-324).
<ol><li>Applicant's reply has overcome the following rejection(s)</li></ol>		
6. Newly proposed or amended claim(s) would be all non-allowable claim(s).		
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) rejected: Claim(s) withdrawn from consideration:		il be entered and an explanation of
AFFIDAVIT OR OTHER EVIDENCE		
<ol> <li>The affidavit or other evidence filed after a final action, but because applicant failed to provide a showing of good answas not earlier presented. See 37 CFR 1.116(e).</li> </ol>		
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to of showing a good and sufficient reasons why it is necessary	overcome <u>all</u> rejections under appea	al and/or appellant fails to provide a
10. ☐ The affidavit or other evidence is entered. An explanatio REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attached.
<ol> <li>The request for reconsideration has been considered busee attached response to arguments.</li> </ol>	it does NOT place the application in	n condition for allowance because:
<ul><li>12. ☐ Note the attached Information <i>Disclosure Statement</i>(s).</li><li>13. ☐ Other:</li></ul>	(PTO/SB/08) Paper No(s)	
	/Jason E Mattis/	
	Primary Examiner, Art U	Init 2461



Application No.